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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,426	06/15/2001	Hugh Boyd Morrison	RCA 89186	1414
7590 09/05/2007				
Joseph S Tripoli		EXAMINER		
Thomson multimedia Licensing Inc		SALTARELLI, DOMINIC D		
PO Box 5312		ART UNIT		
Princeton, NJ 08540		2623		
		MAIL DATE		
		09/05/2007		
		DELIVERY MODE		
		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/868,426	<b>Applicant(s)</b> MORRISON ET AL.	
	<b>Examiner</b> Dominic D. Saltarelli	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 10-29 have been considered but are moot in view of the new grounds of rejection.
2. However, the newly added limitation of "scheduling said event responsive to said operating command if said program is found during said searching step" does need to be addressed separately. Applicant argues that Westlake is constrained to presenting interactive choices to users (applicant's remarks, page 11), and therefore does not schedule an event responsive to the operating command. Westlake specifically states that the system can intelligently decide whether to present interactive choices to a user or to automatically implement the program (page 34, lines 2-9), and therefore is not constrained to presenting interactive choices to users as alleged by applicant. Further, it is Hirata the primary reference, that teaches the "operating command" which is used to initiate scheduling of the event in the first place. Therefore, the combination of Hirata and Westlake teaches the claimed amended limitation in question, because Hirata teaches "scheduling said event responsive to said operating command", which is unaffected when modified in view of Westlake, who teaches automatic implementation is well within the scope of his invention.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata (6,374,406, of record) in view of Westlake et al. (WO 99/35847, of record) and Dlugos et la. (4,286,325) [Dlugos].

Regarding claims 10, 17, and 24, Hirata discloses a method and apparatus comprising:

receiving an electronic mail message remotely from a user (col. 5, lines 10-18, 65-67), said electronic mail message comprising an operating command ('control command', col. 6, lines 21-39) and program identification information including a first type of program identification information (col. 7, lines 6-20);

processing said electronic mail message to determine whether said electronic mail message includes said first type of program identification information (col. 6, lines 40-55); and

scheduling an event responsive to said operating command for a program identified by said program identification information without searching program guide information for said program if said electronic mail message includes said first type of program identification information (col. 7, lines 49-53 and col. 9, lines 24-65).

Hirata fails to disclose continuing to process said electronic mail message to determine whether said electronic mail message includes said second type of program identification information only if said electronic mail message does not

include said first type of program identification information, searching said program guide information for said program using said program identification information only if said electronic mail message includes said second type of program identification information and does not include said first type of program identification information, and scheduling said event if said program is found during said searching step.

In an analogous art, Westlake teaches automatically scheduling the operation of a video processing apparatus ('automatic implementation' page 34, lines 2-9, of recording or reminder operations, page 26, lines 7-23) by determining if a received electronic mail message includes a second type of program type identification information and searching program guide information for an identified program using said program identification information (such as program title, page 23, lines 14-28) and scheduling said event if said program is found during said search (page 25 line 24 – page 26 line 23), providing the benefit of providing a means for transmitting programming information via an electronic message for programming a video processing apparatus that is less prone to errors possibly made from the transmitter side (page 3 line 17 – page 4 line 26).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and apparatus disclosed by Hirata to include processing said electronic mail message to determine whether said electronic mail message includes said second type of program identification information if said electronic

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mail message does not include said first type of program identification information (which would otherwise lead to an error message, see Hirata, col. 6, lines 40-55), searching said program guide information for said program using said program identification information if said electronic mail message includes said second type of program identification information, and scheduling said event if said program is found during said searching step, as taught by Westlake, for the benefit of providing a means for transmitting programming information via an electronic message for programming a video processing apparatus that is less prone to errors possibly made from the transmitter side.

Hirata and Westlake fail to disclose continuing to process the electronic mail message only if the first type of program identification information is not included.

In an analogous art, Dlugos teaches performing a searching operation, where a search is first performed on a first set, and only broadens the search to a additional or more generic set if a match is not found in the first search, providing the benefit of avoiding unnecessary searching (col. 29, lines 7-68).

It would have been obvious at the time to a person of ordinary skill in the art to perform additional searching only if a match is not found in the first search, as taught by Dlugos, for the benefit of avoiding unnecessary searching, which streamlines the searching for improved efficiency.

Regarding claims, 11, 18, and 25, Hirata, Westlake, and Dlugos disclose the method and apparatus of claims 10, 17, and 24, wherein said first type of program identification information includes channel and time information for said program (Hirata, col. 7, lines 11-20) and said second type of program identification information includes a name of said program ('title', Westlake, page 23, lines 21-25).

Regarding claims 12, 19, and 26, Hirata, Westlake, and Dlugos disclose the method and apparatus of claims 10, 17, and 24, wherein said operating command represents one of a request to record said program ('VIDEO Reservation', Hirata, col. 6, lines 33-39) and a request to watch said program (Westlake, page 26, lines 13-23).

Regarding claims 13, 20, and 27, Hirata, Westlake, and Dlugos disclose the method and apparatus of claims 12, 19, and 26, wherein said video processing apparatus is scheduled to record said program if said operating command represents said request to record said program (Hirata, col. 9, lines 18-30) and said video processing apparatus is scheduled to power on if said operating command represents said request to watch said program (Hirata teaches powering on the video equipment to implement the operating command if it is not already on, col. 9, lines 54-60).

Regarding claims 14, 21, and 28, Hirata, Westlake, and Dlugos disclose the method and apparatus of claims 10, 17, and 24, further comprising sending a second electronic mail message from said video processing apparatus to said user if said program is not found during said searching step, said second electronic mail message indicating that said electronic mail message included insufficient program identification information (Hirata teaches sending response emails which provide the details of an error if an error is encountered, col. 6, lines 40-55 and fig. 6).

Regarding claims 15, 22, and 28, Hirata, Westlake, and Dlugos disclose the method and apparatus of claims 10, 17, and 24, but fail to disclose said electronic mail message further comprises a password and further comprising a step of sending a second electronic mail message from said video processing apparatus to said user if said password is incorrect.

It is notoriously well known in the art to password protect systems for the benefit of user verification, and it would have been obvious at the time to a person of ordinary skill in the art to modify the method and apparatus of Hirata, Westlake, and Dlugos to include a password in the electronic email message. This would further comprise sending a second electronic mail message from said video processing apparatus to said user if said password is incorrect because Hirata teaches sending response emails which provide the details of an error if an error is encountered (Hirata, col. 6, lines 40-55 and fig. 6).



Regarding claim 16, 23, and 29, Hirata, Westlake, and Dlugos disclose the method and apparatus of claims 10, 17, and 24, further comprising sending a second electronic mail message from said video processing apparatus if said event is scheduled (Hirata, fig. 7).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS



ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER